

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated July 30, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-21 are pending in the Application. Claims 1, 19, and 20 are independent claims. By means of the present amendment, claims 1-21 are amended including for clarity and better conformance to U.S. practice, such as amending dependent claims to begin with "The" as opposed to "A", as well as correcting certain informalities noted upon review of the claims. By these amendments, claims 1-21 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Applicants thank the Examiner for acknowledging receipt and consideration of an Information Disclosure Statement filed on April 27, 2009.

In the Office Action, claims 1-18 are rejected under 35 U.S.C. §101 for not being tied to a particular machine. In response claims are amended as suggested in the Office Action to include a processing apparatus as described in the specification. Accordingly, it is respectfully submitted that claims 1-18 are in proper form and it is respectfully requested that this rejection under 35 U.S.C. §101 be withdrawn.

Claims 20-21 are rejected under 35 U.S.C. §101 for not being tied to a particular statutory category. In response claim 20 is amended to be tied to a machine or apparatus as described in the specification and claim 21 depends from claim 20. Accordingly, it is respectfully submitted that claims 20-21 are in proper form and it is respectfully requested that this rejection under 35 U.S.C. §101 be withdrawn.

Claims 20-21 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. In response, claims 20 and 21 were amended in accordance with the Examiner's comments. Accordingly, it is respectfully submitted that claims 20-21 are in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112 be withdrawn.

Claims 1-11 and 15-19 are rejected under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2004/0083490 to Hane ("Hane"). Claims 12-14 are rejected under 35 U.S.C. §103(a) over Hane in view of "Innovations: [Daily Edition]" by Nicky Blackburn ("Blackburn"). Claims 20-21 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hane in view of "Exploring The Anatomy Of Multiprocessor Designs" by Robert Cravota ("Cravota"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-21 are allowable over Hane alone and in view of Blackburn and Cravota for at least the following reasons.

Hane teaches the following: "the program to be recommended is determined using one of the created profiles" (see the last sentence of the Abstract). In rejecting claim 1 (see discussion at pages 8-9 of the Final Office Action), paragraphs 93-132, 140, and 148 of Hane are referenced as allegedly teaching comparing characteristics of diverse content items, which is set out in claim 1. However a close inspection of these paragraphs and the rest of the Hane specification reveals that Hane does not teach, disclose, or suggest such comparison.

In accordance with claim 1, if the content item was not recommended because it did not have a high preference value in

relationship to the user preference profile, it may still be recommended if it has a characteristic with an associative correspondence to some characteristic of another content item that has a high user preference in relationship to the user preference profile.

This, e.g., the comparison of the characteristics is described at page 9, lines 25-28 of the present specification, as follows:

The second characteristic may be any suitable characteristic including the characteristics described in the previous paragraph for the first characteristic. The second characteristic is preferably determined for a specific second content item which is known to have a high preference value.

An exemplary explanation of the use of the two above-referenced characteristics see page 9, line 32 to page 10, line 9 of the present specification.

Therefore, it is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Hane. For example, Hane does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "if the first content item does not have a high preference value, recommending the first content item if it comprises at least one first characteristic having an

associative correspondence to at least one second characteristic of a second content item having a high user preference" as recited in claim 1, and as similarly recited in each of claims 19, and 20. Cravota is introduced only for teaching multiple processors in claim 20 and Blackburn for allegedly showing elements of the dependent claims and as such, do nothing to cure the deficiencies in Hane.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 19 and 20 are patentable over Hane alone and in view of Blackburn and Cravota and notice to this effect is earnestly solicited. Claims 2-18 and 21 respectively depend from one of claims 1 and 20 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to

submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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October 5, 2009

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